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Official Records

61st plenary meeting
Monday, 22 November 1999, 3 p.m.
New York

President: Mr. Gurirab ..... (Namibia)

In the absence of the President, Mr. Baali (Algeria), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 40 (*continued*)

Oceans and the law of the sea

(a) Law of the sea

Report of the Secretary-General (A/54/429 and Corr.1)

Draft resolution (A/54/L.31)

(b) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Report of the Secretary-General (A/54/461)

Draft resolution (A/54/L.28)

(c) Results of the review by the Commission on Sustainable Development of the sectoral theme of "oceans and seas"

Report of the Secretary-General (A/54/429 and Corr.1)

Draft resolution (A/54/L.32)

Mr. Donigi (Papua New Guinea): I endorse the comprehensive statement made by the Permanent Representative of the Republic of Fiji on behalf of the member countries of the South Pacific Group (SOPAC), including my own country, and the statements introducing the draft resolutions made by Finland, the United States and New Zealand. We have co-sponsored all these draft resolutions because we attach great importance to all matters concerning the oceans and the seas and we look forward to future developments in the follow-up to the resolution to be adopted by the Assembly.

We note that the delegations here have agreed to the SOPAC recommendation for a reference in the draft resolution contained in document A/54/L.31, entitled "Oceans and the law of the sea", under agenda item 40 (a), dealing with assistance to developing countries in the preparation and lodgement of the charts as required by the Convention on the Law of the Sea. This is a critical area that requires joint efforts from both the developed and developing countries.

We note that the need for assistance in the field of fisheries management is also adequately covered by the draft resolution contained in document A/54/L.28, under agenda item 40 (b). We note that there has been disagreement about the need for the regulation of

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fisheries activities in the Southern Ocean, which is primarily an international body of water, and we call for greater measures to be undertaken and agreed to at the global level involving all interested parties. If we, the coastal States, are expected to sustainably manage our exclusive economic zones, then the reciprocal principle is that those with the means to exploit the high seas indiscriminately should also apply stringent precautionary measures and management tools. We firmly believe in the principle of sustainable development for the benefit of all humankind in the international area. This also involves the curtailment of access so as to replenish the ocean environment.

We note that after much debate, compromises were able to be reached for the draft resolution contained in document A/54/L.32, on international coordination and cooperation at both the intergovernmental and inter-agency levels, under agenda item 40 (c). We are deeply grateful for the work undertaken by Mr. Hanif of Pakistan and Mr. Holmes of Canada in coordinating and co-chairing the consultations which resulted in the draft resolution before the General Assembly. We join the previous speaker in saying that the consultative process cannot work effectively unless the two co-chairs of the process are appointed as soon as possible to give them adequate time to consult with delegations regarding the format of the meetings. This task of appointing the co-chairs has been left, in principle, to the discretion of the President of the General Assembly. In this regard, we look forward to starting consultations as early as possible and pray that the President will be able to make an announcement before the end of this year.

We commend the draft resolutions to the General Assembly.

Mr. Yel'chenko (Ukraine): In consideration of the long list of speakers on this important item, I will not present all of the points contained in Ukraine's written statement. However, I would ask my fellow delegates to consider all the points made in the written statement.

These final weeks approaching the millennium naturally lead us to think about what may be considered some of the lasting achievements of the century, as well as the problems we must surely face in the next one. The United Nations Convention on the Law of the Sea stands as one of the greatest achievements of our recent past. The importance of the principle embodied in the Convention — that a comprehensive legal regime had to be developed since the problems of ocean space are closely interrelated and need to be considered as a whole — is proving to be even more evident today than it was at the time of the Convention's adoption.

Looking towards the challenges of the future, we do not consider it premature to begin thinking about the provisions of article 312 of the Convention, which, *inter alia*, contain the notion of the "amendment conference", which may be convened 10 years from the date of the Convention's entry into force. States parties may propose specific amendments to this Convention and request the convening of an amendment conference to consider them.

As the Convention entered into force on 16 November 1994, 16 November 2004 is 10 years after the date of entry into force. I am certainly not proposing to start preparations for such a conference. My only intention is to remind the United Nations, and the States parties to the Convention in particular, that we should be aware both of the opportunity to make the Convention more responsive to important issues which should be more fully addressed and of the potential dangers to the delicate balance of the Convention.

We should not forget that, on the basis of the Convention, during the last quarter of a century a number of new agreements — bilateral, regional and global — have been adopted. They have sprung from the Convention like branches from the trunk of a tree. New issues have certainly arisen, and will continue to arise, from various uses of the oceans.

The General Assembly is the global institution with the competence to look at ocean affairs in a coordinated manner, integrating all aspects of ocean uses: political, legal, economic, social, environmental and technical. No other institution is in a position to have an overview of the holistic nature of ocean-related matters. The General Assembly is assisted in the consideration of these matters by the Secretary-General, through the Division for Ocean Affairs and the Law of the Sea, in cooperation with other relevant parts of the Secretariat. The idea of a core unit servicing the General Assembly in its coordination tasks is a very important one, and the Assembly relies on the comprehensive report prepared by the Secretary-General through the Division for Ocean Affairs and the Law of the Sea. In dealing with ocean affairs in an integrated manner, this report is not only a reflection of the basic principle of the Convention, it is in itself a powerful tool that facilitates international cooperation and coordination. We express our special appreciation to the Secretary-General for both the quality and scope of this most valuable report.

We welcome the establishment of the open-ended informal consultative process proposed to facilitate the General Assembly's annual review of developments in ocean affairs. We hope to play an active role in this process and would expect it to accomplish three basic purposes.

First, the United Nations Convention on the Law of the Sea provides the framework within which all activities in the field of oceans and seas must be carried out. This framework is an integrated whole; it must be maintained, strengthened and built upon. Any trends in ocean-related matters that prove inconsistent with this framework must be brought to the attention of the General Assembly.

Secondly, within the framework provided by the Convention, the needs of the times will evolve and become clear. New issues will be emerging; certain persistent old issues may require additional effort to achieve results before it is too late; new necessities may have to be met. We will expect the consultative process to provide guidance to the General Assembly about such emerging issues.

Finally, the third area where the consultative process may prove useful is the identification of the centrifugal forces that have the potential to erode the integrity of the international ocean order established by the Convention. In this context, the consultative process may make the General Assembly aware of the necessity of ensuring conformity and consistency among instruments that appear to be proliferating rapidly and without sufficient harmonization.

On 26 July 1999, my country finally deposited the instrument of ratification of the Convention. This action confirms Ukraine's full-fledged participation in international cooperation in matters of ocean affairs and the law of the sea. For Ukraine, the Convention has always been among the high legal priorities. In fact, for many years now Ukraine has been ensuring the strict observance of the provisions of the Convention at the national level. It undertook successive efforts to make national legislation consistent with the international legal regime established by this comprehensive document. Now the Convention itself is an integral part of our national legislation.

The particulars of Ukraine's declaration upon ratification, made in accordance with article 310, as well as articles 287 and 298 of the Convention, may be found in paragraphs 13, 19 and 20 of the Secretary-General's report. Therefore, I will not repeat the details, except to say that as a geographically disadvantaged country bordering a sea poor in living resources, Ukraine has reaffirmed the necessity to develop international cooperation for the exploitation of the living resources of economic zones on the basis of just and equitable agreements that should ensure access to fishing resources in the economic zones of other regions and subregions. With reference to article 292, Ukraine recognized the competence of the International Tribunal for the Law of the Sea in respect of questions relating to the prompt release of detained vessels or their crews.

Turning now to the report of the Secretary-General (A/54/429), allow me first of all to note the recent achievements of the institutions created under the Convention.

We note with satisfaction that the International Seabed Authority has made further progress in finalizing the draft seabed mining code. We hope that the consideration of this draft set of rules, regulations and procedures for the conduct of activities in the Area will be completed during the next few sessions of the Authority.

Ukraine attaches great importance to the work of the international judicial institutions, in particular the International Tribunal for the Law of the Sea. We consider the judgement rendered by the Tribunal on 1 July in the M/V "Saiga" case — its first judgement on the merits — an important occasion in the implementation and promotion of international maritime law. Ships must be secure from unlawful arrest and other arbitrary practices which threaten free merchant shipping, and the Tribunal is essential in restoring the rights of injured parties. In this connection the significance of the Geneva Diplomatic Conference on Arrest of Ships cannot be understated. Undoubtedly, achieving uniformity in this area is of paramount importance to international shipping and trade.

In regard to the Commission on the Limits of the Continental Shelf, we were pleased to see the final adoption by the Commission this year of the Scientific and Technical Guidelines and annexes thereto, which should greatly assist interested coastal States regarding the technical nature and scope of the data and information which is to be submitted to the Commission concerning the outer limits of their continental shelves in areas where those limits extend beyond 200 nautical miles. Given that the deadline for such submission is ten years after the entry into force of the Convention for the submitting State, the Commission should be receiving such

submissions in the near future, marking another important step toward full implementation of the Convention.

The issue of fisheries is extremely important to Ukraine. We cooperate with the coastal States of many regions on issues of conservation and the rational utilization of living resources. It gives me pleasure to announce that this year Ukraine joined the Northwest Atlantic Fisheries Organization.

Ukraine continues to improve its navigation management system. A new organizational and functional structure on the safety of navigation is being introduced in our country.

We support the efforts of coastal States to improve the conditions of navigation, especially in waterways used for international navigation. It should be emphasized, however, that these efforts should be undertaken in a spirit of cooperation and should take into consideration the needs and interests of all States concerned. The measures taken for improvement of navigation should be in line with the legal obligations of States under the relevant international instruments. Coastal States should avoid any discriminatory practices in the treatment of foreign vessels entering their ports.

In summary, we particularly welcome the steps taken to enhance the effectiveness of the Assembly's annual debate on oceans and the law of the sea, and we look forward to full participation in the consultations that will take place on this crucial issue. We believe that the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, by virtue of the special responsibilities of the Secretary-General under the Convention, and the oversight role of the General Assembly continue to play a pivotal role in this important process by reviewing and monitoring all developments relating to the law of the sea and ocean affairs. We commend the Division for a job well done.

Mr. Kolby (Norway): The United Nations Convention on the Law of the Sea represents an important milestone in the efforts to establish an international rule of law. The challenge before us now is to ensure implementation of, respect for and knowledge of the overall legal framework it represents for all peaceful uses of seas and oceans.

The three institutions created by the Convention are now well established, and we welcome their further substantive work. The International Seabed Authority has completed its first reading of the draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. There is now a need for early approval of this code for the Authority to be able to enter into contracts for exploration with the seven registered pioneer investors whose plans of work were approved by the Council of the Authority in 1997. We would also like to underline the importance of the completion of a set of draft guidelines for the assessment of the possible environmental impact arising from the exploration for polymetallic nodules.

The International Tribunal for the Law of the Sea has, through its judgements and deliberations on the M/V "Saiga" case and the Southern Bluefin Tuna case, shown its readiness to handle cases in a prompt and effective manner. As regards the Commission on the Limits of the Continental Shelf, we are pleased to note the adoption of the Scientific and Technical Guidelines to provide assistance to coastal States regarding the technical nature and scope of the data and information which they have to submit to the Commission. In light of the complexity of the issues involved it seems reasonable to offer training to develop the knowledge and skills for preparation of the submissions. We welcome the decision of the Commission to convene an open meeting during its seventh session next year with a view to familiarizing representatives of coastal States with the necessity of implementing the provisions of article 76 of the Convention. However, in convening such a meeting the Commission should pay strict attention to standards of objectivity and professionalism.

The International Maritime Organization (IMO) has been given crucial functions in the implementation of the Convention. We welcome IMO's substantial work in regulating the prevention and pollution of the marine environment from ships. Norway has supported the development of an international instrument to prohibit the use of harmful anti-fouling paints from ships. Furthermore IMO's work on preparing an international convention for liability and compensation for damage caused by oil from ships' bunkers, constitutes, in our view, a generally acceptable solution to this problem.

As mentioned by the Secretary-General in his report (A/54/429), the poor human health and environmental conditions at some of the major sites for scrapping of ships have lately focused public attention on an industry which was formerly self-regulatory. Norway has expressed its concern on this matter and considers IMO to be the international body best suited to assess and

solve the problem by developing an international regime, taking due consideration of other relevant international regimes. Therefore, in cooperation with other States, we have proposed to include scrapping of ships on the work programme of the Marine Environment Protection Committee. We are most satisfied with the IMO decision to put this item on its work programme, and we will do our part to facilitate further work by the organization on this matter.

The continued increase in acts of piracy and armed robbery against ships is alarming and a matter of great concern to the shipping industry. We agree with the Secretary-General that it is particularly disturbing to note that the degree of violence experienced in piratical attacks has also been escalating. We have taken due note of IMO's objective to promote within the next decade the intensification by Governments and industry of efforts to prevent and suppress unlawful acts which threaten the security of ships, the safety of those on board and the environment. The organization of regional seminars and IMO missions of experts to areas most affected is the right way to proceed in this regard.

An important part of a flag State's responsibility is to ensure the appropriate manning of ships. Most accidents at sea are caused by human error. It is therefore important that efforts to improve safety at sea focus on improving training and certification standards. We likewise concur with IMO's focusing on the effective implementation of the revised Convention on Standards of Training, Certification and Watchkeeping for Seafarers and the International Safety Management (ISM) Code. We look forward to receiving the report containing the evaluation of information communicated to IMO about this. We are pleased to learn that as of 1 July 87 per cent of the relevant ships have reportedly received the necessary ISM certification.

The work within the United Nations in Vienna to elaborate a convention against transnational organized crime and additional protocols is extremely promising with regard to achieving real progress in combating organized smuggling. The protocol on smuggling of migrants envisages an important provision concerning smuggling by sea. It is vital, however, that the relevant provisions of the United Nations Convention on the Law of the Sea be fully respected in the realization of this work.

Norway reserves its position with regard to the desirability of the proposed agreement on the protection of underwater cultural heritage under discussion at the United Nations Educational, Scientific and Cultural Organization (UNESCO). The draft text still contains regulations on important jurisdictional issues that are not in conformity with the principles of the Convention. It is of principal importance to avoid any new regulations that could disturb the carefully balanced package of jurisdiction in maritime areas reflected in the Convention. This package was the result of nine years' complex negotiations. In any case, it would be premature — only five years after the entry into force of the Convention — to adopt new regulations on jurisdictional issues that depart from the Convention while the potential of the relevant article of the Convention — that is, article 303 — has not yet been fully utilized. It is imperative that new regulations for the protection of the underwater cultural heritage be in full conformity with the relevant provisions of the Convention, including those concerning the rights and jurisdiction of the coastal State and the rights and freedoms of other States in the exclusive economic zone and on the continental shelf, and those concerning the freedom of the high seas. Consensus on this point is essential if a draft text is to be considered for adoption.

Norway still reserves its position with regard to whether or not UNESCO is the appropriate forum for the negotiation and adoption of such an agreement. We are concerned by the proliferation of negotiating processes and decision-making in a number of international bodies, as well as the conclusion of new international agreements with direct relevance to the international order of the seas. Norway is persuaded that the General Assembly can and should provide necessary guidance and coordination through the debate of the agenda item now under consideration.

The review by the Commission on Sustainable Development of the progress achieved in the implementation of the sectoral theme "oceans and seas" of chapter 17 of Agenda 21 resulted in a comprehensive set of recommendations to be considered under this year's debate on oceans and the law of the sea. The Commission highlighted as a matter of priority the need for better international coordination and cooperation in ocean affairs. In our view, the purpose of the informal consultative process that we are about to launch must be to improve the coordination and cooperation within United Nations system and related agencies, rather than creating new ocean institutions or mechanisms.

It remains fundamental that the Convention is the legal framework within which all activities in this field must be considered. The informal consultative process

could prove useful in highlighting and giving new inputs to the important achievement that the Convention represents with respect to the protection and preservation of the marine environment and the conservation and management of the living resources of the sea. An early review of the utility and effectiveness of the informal consultative process is essential in this regard.

A sound development of fisheries resources is of fundamental significance to Norway. However, fisheries management has not yet sufficiently protected resources from being overexploited. This is the case even though the problems of fishery management are widely recognized and have been given particular attention through the adoption of the United Nations Agreement on Fish Stocks and the Code of Conduct for Responsible Fisheries. The main reasons for this situation seem to be linked to a lack of political will to make difficult adjustments, a lack of control of fishing fleets by flag States and the continued use of destructive fishing practices. It is a serious matter when assessments from the Food and Agriculture Organization of the United Nations show that over 35 per cent of the world's major fisheries resources are showing declining yields.

Norway was among the early ratifiers of the United Nations Agreement on Fish Stocks. We are concerned that today, almost four years after its adoption, it has still not entered into force. We urge other States to ratify and implement the Agreement as soon as possible. At the same time, however, it ought to be stressed again that the status of fisheries on the high seas is in certain cases so alarming that we cannot await the entry into force of the Agreement in order to take action. Unregulated fisheries need to be brought under control, and this is a precondition for the sustainable development of fisheries.

Norway therefore welcomes and strongly supports the various initiatives taken and the measures adopted by several regional fisheries organizations to combat unregulated fisheries on the high seas. These measures seem to indicate a positive trend in regional fisheries management. The scheme adopted last year by the North East Atlantic Fisheries Commission is significant. It prescribes control and enforcement measures in respect of vessels in areas beyond the limits of national fisheries jurisdiction in the Convention area. One of the most important measures in the scheme is the so-called vessel monitoring system. When these measures are implemented, by January next year, the North East Atlantic Fisheries Commission will be the first regional fisheries organization to have fully automated and computerized satellite tracking of fishing vessels. The catch documentation system for Patagonian toothfish adopted at the recent annual meeting of the Commission for the Conservation of Antarctic Marine Living Resources is another important step forward in combating unregulated fisheries.

The measures adopted by the North East Atlantic Fisheries Commission and the Commission for the Conservation of Antarctic Marine Living Resources are important additions to the scheme adopted by the Northwest Atlantic Fisheries Organization (NAFO) at its annual meeting in 1997. The scheme promotes compliance by non-contracting party vessels with the conservation and enforcement measures established by the organization. It has already proved to be an effective tool against unregulated fisheries in the NAFO regulatory area.

In an attempt to further discourage unregulated fisheries on the high seas, Norway has established a regulation stating that an application for a licence to fish in the Norwegian economic zone may be denied or withdrawn if the vessel in question, or its owner, had participated in unregulated fisheries on the high seas on fish stocks subject to regulation in waters under Norwegian fisheries jurisdiction. This provision, *inter alia*, implies that a given vessel also may be denied a fishing licence in Norwegian waters if it is operated by others than those who participated in the unregulated fishery. This year these regulations were amended again to include fishing operations that contravene regulatory measures laid down by regional fisheries organizations. As it reduces the secondhand market value of the vessels that have participated in unregulated fisheries, it has proved to be an effective tool in combating unregulated fisheries.

Let me conclude by stressing that harmful fishing practices and unwanted catch are major problems affecting marine biodiversity. There is a need to look closer into the adoption of management measures that can reduce this problem, such as closed seasons, closed areas and legal minimum fish sizes. Norway is strongly concerned about the problem of by-catch and discards, and we will seek to advocate measures that could contribute to eliminating this problem.

Mr. Lee See-young (Republic of Korea): At the outset, my delegation wishes to express its appreciation to the Secretary-General and the staff of the Division for Ocean Affairs and the Law of the Sea for the informative and comprehensive report entitled "Oceans and the law

of the sea" (A/54/429). This annual report, covering a wide spectrum of issues concerning oceans and the law of the sea in the framework of the United Nations Convention on the Law of the Sea, serves as a valuable resource for an in-depth, overall review of all relevant developments and issues relating to oceans and the law of the sea.

The 1982 United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention form the cornerstone of United Nations efforts to resolve problems relating to oceans and the law of the sea. They constitute a basis for the development of a new maritime order for the international community. My delegation is pleased to note that five more States ratified the 1982 Convention during the period covered by the report. The number of parties to the Convention has now reached 132, including one international organization. This number represents approximately 77 per cent of all coastal States, and it clearly reflects an overall trend towards near-universal participation in, and adherence to, the legal regime established by the 1982 Convention. Given the pivotal role of the Convention in the preservation of marine living resources, the protection of the marine environment and the promotion of the peaceful settlement of maritime disputes, its universal acceptance is essential, and all those States that have not yet done so are called upon to accede to the Convention as soon as possible.

The Republic of Korea welcomes the substantive progress made in the past year by the institutions established under the 1982 Convention, namely the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. My delegation is particularly pleased to note the steady progress made thus far by the International Seabed Authority. The Authority dealt with several important agenda items at its fifth session, held in August this year. It approved, among other things, the Agreement between the International Seabed Authority and the Government of Jamaica relating to the headquarters of the Authority, and it adopted the Financial Regulations of the Authority.

The pinnacle of the Authority's work up to now has been the significant headway made in the consideration of the draft mining code, which is of the utmost importance for the establishment of an overall legal framework for the exploration of deep seabed polymetallic nodules. Now that the Council of the Authority has completed the first reading of the draft mining code at its fifth session, my delegation expects that the mining code will be adopted at the sixth session next year, as planned. I take this opportunity to commend Mr. Nandan, Secretary-General of the Authority, for his highly competent leadership in successfully guiding this organization to meet the tremendous challenges it is now faced with. As a member of the Authority's Council and Vice-President of its Assembly, my country participated actively in all aspects of the Authority's work at its fifth session. As a registered pioneer investor, my country has also faithfully fulfilled its obligations under the Convention and the Agreement, such as the provision of training programmes, the gradual relinquishment of the pioneer area and the submission of periodic reports on activities in the pioneer area.

We acknowledge with satisfaction that the International Tribunal for the Law of the Sea, now fully operational, has demonstrated professional expertise and efficiency in dealing with the cases brought before the Tribunal. We hope that the Tribunal will continue to strengthen its role as an effective international judicial organ dedicated to resolving maritime disputes. In this context, my delegation calls upon all States parties to the Convention to pay greater attention to the financial situation of the Tribunal with a view to enabling it to carry out its functions to the fullest possible extent as provided for in the Convention.

My delegation is also pleased to note that the Commission on the Limits of the Continental Shelf adopted at its sixth session the Scientific and Technical Guidelines, which will assist coastal States in preparing their submissions concerning the outer limits of the continental shelf.

As the Secretary-General's report notes, acts of piracy, armed robbery against ships and other increasingly violent crimes at sea continue to pose a serious threat to the international community as a whole. These nefarious acts can seriously disrupt passage through important waterways, cause great concern to the shipping community and threaten the safety of life at sea and the marine environment. Although the number of incidents in 1998 decreased slightly compared with 1997, attacks by pirates and armed robbers have become more violent, resulting in the death of innocent crew members. In strong support for the initiatives taken by the International Maritime Organization in this area, my delegation urges all States concerned, and in particular coastal States in affected regions, to take all necessary measures to prevent, combat and investigate incidents of

piracy and armed robbery at sea, with a renewed emphasis on prevention at the regional level.

In order to secure the effective implementation of the Convention, my Government has promulgated and enacted such national legislation as the Exclusive Economic Zone Act, the Exclusive Economic Zone Fisheries Act and the Marine Scientific Research Act. The Territorial Sea and Contiguous Zone Act and the Marine Pollution Prevention Act have been promulgated as well. Taking into account the need to develop an integrated approach to the problems of ocean space, my Government further enacted the Coastal Zone Management Act last February with the goal of effectively and comprehensively managing coastal areas.

My delegation believes that inter-State cooperation is another indispensable factor for the effective implementation of the Convention. In this regard, we welcome the new bilateral fisheries agreement between the Republic of Korea and Japan, which came into effect last January, replacing the former agreement of 1965. Another fisheries agreement, between my country and the People's Republic of China, was initialled in November last year; if concluded and implemented, it will help promote the rational management of fishing stocks in the seas between the two countries. In recognition of the growing importance of maritime delimitation, which provides legal stability and is certainty required for various ocean activities, negotiations are under way with neighbouring States on exclusive economic zone boundary delimitation.

In conclusion, I would like to reiterate the willingness of my Government to extend its full cooperation for the effective implementation of the United Nations Convention on the Law of the Sea. I wish also to assure the Assembly of my Government's commitment to the promotion of an orderly ocean regime in a spirit of mutual understanding and cooperation, as enshrined in the Convention.

Ms. Flores Liera (Mexico) (*spoke in Spanish*): My delegation has the honour of speaking on behalf of the Rio Group on agenda item 40, entitled "Oceans and the law of the sea". We wish to thank the Secretary-General for his comprehensive report contained in document A/54/429. The number of matters addressed in the report enables us to see how complex and interconnected maritime issues are, and the how necessary it is to tackle them in an integrated manner.

Oceans and seas constitute the greater part of our planet, and it is crucial for the well-being of mankind that their resources be used in an orderly and sustainable way. The preservation of life on Earth depends on their protection. Hence, international cooperation and coordination in dealing with maritime issues are of special importance.

The General Assembly understands that importance and considers this item each year, promoting the search for common solutions to shared problems. Unfortunately — and owing to the limited duration of the debate — we do not have the time we need to study in depth the substance of the report of the Secretary-General.

In its review of the sectoral theme of "oceans and seas", the Commission on Sustainable Development (CSD) studied the progress achieved in the implementation of chapter 17 of Agenda 21 and, *inter alia*, noted the need to make use of existing structures to promote an integrated approach to ocean issues, and to improve coordination and cooperation at the intergovernmental and inter-institutional levels. The Commission stressed the importance of international cooperation to ensure that all countries can benefit from the sustainable use of the oceans and seas, with due respect for the sovereignty, jurisdiction and sovereign rights of coastal States.

As a result of its review, the Commission on Sustainable Development recommended the establishment of an open-ended informal consultative process in order to improve the effectiveness of the annual review by the General Assembly of developments on oceans and the law of the sea. That process would not aim to duplicate the debates that take place in other forums, but to deliberate on the basis of the substantive report of the Secretary-General on this item and to try to identify areas where international cooperation and coordination could be enhanced. The Rio Group is convinced of the benefits of such a process, and has resolutely pressed for and supported its establishment.

We are pleased that today the General Assembly is welcoming the recommendations of the Commission on Sustainable Development on international cooperation and coordination and that it will be voting on a draft resolution by which it would establish this informal consultative process. We are convinced that its implementation in line with the parameters set out in CSD decision 7/1 will help to enhance the consideration of maritime and ocean issues, to avoid duplication of efforts, to promote the effective functioning of existing organizations with jurisdiction over maritime and ocean

issues, and in general to guarantee the orderly and sustainable use of sea resources in a spirit of dialogue and respectful negotiation. The Rio Group will participate in the consultative process with interest, and will continue to work towards achieving the objectives that are giving rise to its creation.

Mr. Kawamura (Japan): Surrounded by the sea on all its sides, Japan has long had a profound interest in the oceans and the law of the sea. Historically, the sea was a source of both anxiety and dreams for Japan. It was from across the sea that threats came, and it was also from across the sea that a new civilization was introduced to Japan. Once we directed our gaze outward to the world beyond our shores, it became necessary for us to control the sea as a traffic artery, for security purposes and for resources. Today, as the law of the sea has evolved, the seas are regulated, and it is incumbent upon us to manage them effectively.

Five years have passed since the entry into force of what has been dubbed the "constitution of the oceans", which is, of course, the United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention. Indeed, this is the unique overall legal framework within which all activities in this field must be considered. My delegation is very pleased to note that we now count 132 States parties to the Convention and 96 States parties to the Agreement. Since the legitimacy of the Convention cannot but increase with universal participation, and given the importance of the Convention for the effective management of the oceans and for the maintenance of peace, justice and progress for all peoples of the world, my delegation would like to appeal to other States to become parties to both the Convention and the Agreement.

In order to assure the effective implementation of the Convention, it is also important to maintain the unified character of the Convention. In this context, my delegation would like to emphasize the importance of harmonizing, as a matter of priority, national legislation of States parties with the provisions of the Convention, in order to ensure the consistent application of those provisions and to ensure also that any declarations or statements are in conformity with the Convention. My delegation therefore wishes that any declaration or statement that is not in conformity with the Convention will be withdrawn.

Let me turn now to the new treaty system of ocean institutions established under the Convention. So far as the International Seabed Authority is concerned, my delegation would like to welcome the progress in the work realized so far. The most important substantive matter under consideration by the Council of the Authority concerns the draft Regulations on Prospecting and Exploration for Polymetallic Nodules, in short, the mining code. We are pleased to note that the Council finally completed the first reading of the draft code, which we hope will, after further readings, be adopted during the year 2000 so that the Authority can enter into contracts for exploration with willing investors. My delegation intends to take an active and constructive part in the consideration of the draft code, as has been its practice so far.

Japan is deeply concerned about the financial difficulties that the Authority and the International Tribunal for the Law of the Sea are currently facing. In order for the two institutions to fully and effectively discharge the important mandate that has been entrusted to them, it is necessary that all States parties to the Convention pay their assessed contributions. Japan would like to urge States to do so without delay.

Speaking of the Tribunal's financial matters, my delegation cannot but touch upon the question of a ceiling and a floor for the scale of assessments. During the ninth Meeting of the States Parties to the Convention, held in New York in May of this year, we had intensive discussions on this issue and finally decided to introduce a ceiling and a floor for the scale of assessments of States parties for the budget of the Tribunal for the year 2000. On this occasion, my delegation would like to express its gratitude to all delegations for their support in this regard.

As for the Commission on the Limits of the Continental Shelf, my delegation welcomes the progress made so far, including the adoption of the scientific and technical guidelines and annexes thereto aimed at facilitating the preparation of submissions regarding the outer limits of the continental shelf and the adoption of an action plan on training.

Let me now move on to the question of crimes at sea. Japan is deeply concerned, among other issues, about the problem of piracy and armed robbery, since Asian waters, and particularly the South China Sea and the Malacca Strait, are among the areas most affected. The increase in the number of incidents and the escalation of the degree of violence are sources of concern. To cope with this problem, international cooperation is indispensable. On this occasion, my delegation would like to urge all States, in particular

coastal States in affected regions, to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea. Moreover, a thorough investigation of such incidents is also necessary in order to bring the perpetrators to justice. Japan stands ready to take every measure necessary to eradicate crimes at sea.

The draft resolution contained in document A/54/L.31 addresses a range of significant issues relevant to the law of the sea, some of which I have just touched upon. Deeply convinced of the importance of the United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention as an overall legal framework within which all activities pertaining to the oceans and the seas should be conducted, Japan wholeheartedly expresses its support for this draft resolution.

As Japan has historically relied heavily on living marine resources, it has a special interest in their conservation and sustainable utilization, an objective to which the Government of Japan has always been committed. Thus, we welcome the draft resolution on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, contained in document A/54/L.28, and we hope that it will be adopted by consensus.

Lastly, it goes without saying that all aspects of the oceans and seas are closely interrelated and need to be considered as a whole. From this viewpoint, Japan would like to commend the efforts made by the Rio Group, the South Pacific Group and other States in preparing the draft resolution contained in A/54/L.32, concerning the establishment of an open-ended informal consultative process in order to facilitate the annual review by the General Assembly of developments in ocean affairs. This is a timely and useful initiative, and it has Japan's full support.

Mr. Gomaa (Egypt) (*spoke in Arabic*): Allow me at the outset to convey our thanks to the Secretary-General for the comprehensive report on agenda item 40 in document A/54/429. In this regard, we reaffirm the importance of the role played by the Secretary-General concerning this item, particularly in view of his responsibilities under the Convention on the Law of the Sea regarding administering the Division for Ocean Affairs and the Law of the Sea and providing comprehensive annual reports and special reports.

The year covered by the report has witnessed important developments concerning the participation in and accession to the legal regime established by the United Nations Convention on the Law of the Sea of 1982. This Convention is indeed one of the most important international instruments concluded in modern times. Its entry into force in 1994 greatly strengthened the legal regime established by the Convention, a regime that had been observed even before the Convention's final adoption in 1982.

The best testimony to the importance that the international community attaches to the Convention is the increasing number of States acceding to it every year. The number of States parties now exceeds 130. We encourage the remaining members of the international community to accede to the Convention. We also urge the States parties to the Convention to make the declarations required under articles 287 and 298 regarding dispute settlement. The number of States that have made such declarations remains very low.

The three institutions provided for by the Convention — the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea — have already been established and are now operational. They have started to carry out the tasks entrusted to them. Egypt participated actively in the efforts that led to their establishment. We thus call upon the international community to begin implementing the legal regime established by the Convention. This should be done through the application of the Convention's provisions on the national level.

In this regard, we welcome the remark made by the Secretary-General in his report to the effect that there is an increasing tendency by States to adopt national strategies based on the principle of the integrated management of the oceans. This will assist States in adopting effective decision-making processes in this field on the national level.

Here we would like to stress the need to pay due attention to ocean resources, particularly since the preservation and protection of the marine environment is a responsibility borne by the international community as a whole. We note the activities undertaken by the International Tribunal on the Law of the Sea during the last year and encourage the parties in a conflict to resort to it to resolve their disputes.

We also pay tribute to the praiseworthy effort made by the International Seabed Authority last year in the elaboration of the mining code. We note that it has finished the first reading of the code. In view of the code's great importance for the establishment of rules for the exploitation of the seabed in a manner that would preserve the common rights to natural resources, it is our hope that the International Seabed Authority will be able in its next session to make progress towards reaching agreement on the code.

We also congratulate the Commission on the Limits of the Continental Shelf on its adoption of the Scientific and Technical Guidelines, which are intended to provide assistance to coastal States. We support the efforts of the Commission in dealing with the questions of training and the establishment of a trust fund to assist in financing the participation of the Commission's members from developing countries.

The Secretary-General notes in his report that maritime security is a challenge to most States, in particular to developing countries, and that there has been an increase in the number of crimes committed at sea. These include illicit trafficking in drugs and the smuggling of goods and persons, in addition to the increasing number of acts of piracy. All this requires us to remain vigilant.

In this regard, we pay tribute to the efforts of the ad hoc committee established subsequent to an Economic and Social Council resolution adopted in July 1998 and entrusted with drafting a comprehensive convention on combatting transnational organized crime. It is our hope that this ad hoc committee will discharge its tasks successfully next year, as we expect it to do, in view of the great contribution that such a convention could make to combating and eliminating such crimes.

The protection and strengthening of the economic and environmental value of the marine environment is one of the main objectives of the United Nations Convention on the Law of the Sea and is an integral part of its implementation. Regrettably, current studies reveal that, despite the increase in production by fish farms, future demands for fish will not be met unless the seas' and oceans' resources are better managed. It is to be noted that the current legal regime has not been able to protect the fish resources from being exploited at a rate higher than that of natural replenishment. This is due to the lack of political will on the part of some States to respect the quantitative rules on fishing and fishing methods. In particular, it is because citizens of these States resort to large-scale pelagic drift-net fishing, which destroys both fish stocks and the marine environment.

We call upon all these States to observe and respect the 1995 Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries. In addition, special rules on responsible trade in marine products should be formulated to complement this Agreement and the Code of Conduct.

As concerns the degradation of the marine environment, the report of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection has cited efforts made at the national level and successes achieved at the domestic level, particularly in reducing the amount of oil dumped by ships. Nonetheless, we remain concerned about the ongoing deterioration of the marine environment as a result of the dumping of hazardous and harmful substances: radioactive waste, sewage, oil and other polluting substances. We call for the promotion of international cooperation to ensure that this environmental pollution is halted. We also call for the strengthening of international norms in the field of the marine environment.

Here we would like to refer to the United Nations Environment Programme's Global Environment Outlook 2000, released 15 September 1999. This assessment concluded that the coastal marine environment is being seriously affected by alterations, over-fishing and pollution. The assessment also pointed out the fact that the ocean floor is no longer immune to pollution. There is evidence of ecological deterioration in some areas and of depletion of many marine species. In this regard, we reaffirm the importance of the strict observance of article 235 of the United Nations Convention on the Law of the Sea on international cooperation and the further development of such cooperation regarding responsibility, accountability and liability for the assessment of and compensation for damage and the settlement of related disputes. In this context, Egypt has taken a number of important steps to protect and preserve the marine environment, such as the promulgation of a number of environmental laws and decisions and the designation of some areas as nature reserves.

The question of underwater cultural heritage enjoys special attention in Egypt. We support the efforts of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to draft an international convention on this subject as soon as possible in order to protect that heritage. The convention must take into

account the rights of coastal States, in particular their jurisdiction over the underwater cultural heritage in their exclusive economic zones or within the limits of the continental shelf, in full compliance with the United Nations Convention on the Law of the Sea. It is our hope in this regard that the Director-General of UNESCO will be able to submit the draft resolution to the General Conference next year, particularly in the light of the technological progress that has made it possible to detect and salvage important artifacts of cultural heritage, even from the ocean floor.

Mr. Horoi (Solomon Islands): The Solomon Islands delegation welcomes the opportunity to participate in the debate on this very important agenda item. We are grateful to the Secretary-General for his comprehensive and valuable reports in documents A/54/429 and A/54/461. In addition, my delegation appreciates the efforts of those delegations involved in the negotiations on the three draft resolutions on this item. Solomon Islands is a co-sponsor of the three draft resolutions. We firmly believe that they focus on crucial areas of common concern requiring further international attention and action and thus deserve the support of the General Assembly.

Solomon Islands associates itself with the statement made by the Permanent Representative of Fiji this morning on behalf of the South Pacific Group of countries. We also would like to endorse the statement of the Alliance of Small Island States (AOSIS), which has yet to be made by the Permanent Representative of Samoa. I wish, however, to elaborate on some of the issues raised, in particular as they relate to the efforts and concerns of my country on this matter.

As was highlighted this morning, the peoples of the Pacific, including the Solomon Islands, are custodians of more than 30 million square kilometres of the Pacific Ocean, approximately one twelfth of our planet's ocean space. The oceans and seas, especially our exclusive zones, represent our most significant source of economic wealth and security. Our region is home to the largest tuna fishery in the world, but the benefits derived from the tuna industry are markedly minimal. Hence, our countries are undertaking sustainable strategies to become more active participants in the development of the industry and to enhance the region's share of the economic benefits from our oceanic resources.

The tuna industry represents 25 per cent of the Solomon Islands foreign exchange earnings. It is the single largest employer, with more than 2,400 employees, including 500 women. The industry is operating within sustainable levels and there is potential for further expansion and investment. Coastal fisheries, on the other hand, while mainly subsistence, are critical to the health and welfare of our population. The Solomon Islands is among the countries with the highest per capita consumption of fish in the world. Our fish resource is therefore an indispensable source of food security for our people.

The pollution of our oceans and seas, the destruction of the marine ecosystem and its biodiversity, overfishing and the impacts of climate change and changing weather patterns threaten our people's livelihood and, indeed, the very survival of our fragile ecological environment. Many of these challenges are beyond the control of small island developing States like the Solomon Islands. It is therefore no surprise that the Solomon Islands attaches great importance to ocean- and sea-related issues.

We are particularly concerned with the continuing problem of illegal, unregulated and unreported fishing in the high seas and, in some cases, in zones under the national jurisdiction of coastal States. Over the last three years, the Solomon Islands has participated actively in the Multilateral High-Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The Conference has been negotiating a fisheries management regime for the Western and Central Pacific that will give effect to the straddling stocks Agreement.

Without coordinated international efforts, illegal, unregulated and unreported fishing will severely undermine the economic base, food security and, above all, human security of coastal States, and in particular small island developing States. In this connection, my delegation supports the urgent and effective implementation of paragraph 18 of decision 7/1 of the seventh session of the Commission on Sustainable Development, also endorsed by the Economic and Social Council. This decision is further highlighted in paragraph 257 of the Secretary-General's report in document A/54/429.

Recognizing the need to promote the sustainable development of our fisheries resources and the protection of the marine environment, the Solomon Islands has revised its laws relating to fisheries and enacted a 1998 Fisheries Act. This Act is consistent with the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of

the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, both of which Solomon Islands has ratified.

The Act, moreover, includes provisions for the installation of the vessel monitoring system. The vessel monitoring system will allow our authorities to monitor the position of all vessels of distant water fishing nations fishing in our 1.34 million square kilometre exclusive economic zone. The installation of the system is not a license to fish. It is a cost-effective and efficient means of controlling fishing activities and the Solomon Islands views its use as a relatively minor imposition on operators from distant water fishing nations. Provided fishing vessels are doing the right thing, there should be no difficulty with this requirement. The Solomon Islands appreciates the cooperation of a number of distant water fishing nations in this exercise and calls on others to follow suit. We further encourage other countries in the region to legalize the use of the vessel monitoring system.

The establishment of fisheries management and development plans is also enshrined in our Fisheries Act. With technical assistance from the Forum Fisheries Agency, the Solomon Islands has developed a sustainable tuna management plan. The plan, one of the first of its kind in the region, provides clear policy guidelines and a transparent decision-making process for tuna fisheries. It also offers a framework for the sustainable use of our tuna resources, while maximizing the economic and social benefits to our people. International assistance, including finance, transfer of appropriate technology, management and marketing expertise, will be critical to the successful implementation of the plan. Human resource development and institution-building are equally essential and will continue to be our priorities.

Solomon Islands, moreover, is in the process of formulating an oceans policy, which will incorporate, *inter alia*, the established tuna management plan, the development of an integrated coastal zone management plan and the development of a national strategy for marine biodiversity conservation. The consultative process to develop an ocean act that will accommodate this policy is also under way. The act will attempt to integrate into one all the oceans-related legislation. The aim is to improve national coordination and management of oceans and seas matters.

Finally, the challenges facing our oceans and seas are matters of global concern and responsibility. While the International Year of the Ocean has highlighted the many problems facing our oceans and seas, much remains to be done to address them. The call for integrated efforts, especially at the international level, must be answered with decisive and constructive action.

It is timely and useful that we have before us a draft resolution designed to foster international coordination and cooperation on oceans. Solomon Islands strongly believes this draft resolution is a step forward in our collective resolve to tackle the myriad problems and issues related to good governance of the oceans. We look forward to participating actively in the meetings of the oceans consultative process. It is our collective obligation to ensure that future generations benefit as much as we do from the value of both living and non-living resources of our oceans and seas. Together, we can make this call a reality.

Mr. Mabilangan (Philippines): I must begin by expressing our appreciation to the Secretary-General for his two reports under this agenda item. These reports give all of us a good sense of how things stand on the oceans and the law of the sea and of the choices we have to make for the future. They also represent the increasing importance States are attaching to the oceans and the law of the sea. I would also like to thank the Division for Ocean Affairs and the Law of the Sea, the unit in the Secretariat primarily responsible for this agenda item, not only for its outstanding work on these reports, but also for its commendable actions and services every year on activities in the United Nations relating to oceans and the law of the sea.

One important aspect of our work in the context of oceans and the law of the sea relates to fisheries and the protection of the marine environment. In this regard, of particular significance for the Philippines are the norms relating to the responsibilities of the flag States of fishing vessels. The living marine resources in Philippine waters are currently under siege. Poaching and illegal fishing by foreign vessels have become rampant and threaten the sustainability of Philippine fisheries and the fishing sector. Our marginal fishermen and fishing communities are particularly affected. Their catches have been shrinking and their livelihood is threatened. The whole social and family well-being of a large number of my countrymen is in serious danger.

We therefore support efforts to firmly establish the responsibility of flag States for the activities of their vessels in the waters of other countries. The flag States are the countries that directly or indirectly benefit from the activities of their flag vessels. They should make sure that their flag vessels act in an environmentally proper manner. They should also continue to prevent the use of their flags as flags of convenience.

At the same time, States adversely affected by foreign fishing fleets should increase their national capacities to deal with this problem, engage in regional cooperation and make sure that their own fishing fleets also behave in a responsible manner.

It is in this particular context that the Philippines welcomes the decision of the recent review by the Commission on Sustainable Development, under the sectoral theme "oceans and seas", of progress achieved in the implementation of chapter 17 and other relevant chapters of Agenda 21. We welcome in particular the determination made during the review that priority should be given to the overexploitation of marine resources, including through illegal, unregulated or unreported fishing and unsustainable or uncontrolled distant water fishing, as well as to the threat of pollution. We therefore fully support and have co-sponsored the draft resolution under agenda item 40 (c) and will actively participate in the open-ended consultative group constituted under this draft resolution.

The Philippines agrees with the Secretary-General when he says in his report that the concept of maritime security encompasses not only traditional military security but also resource and environmental security, as well as security against crimes at sea. Crimes at sea, particularly for a developing and archipelagic State such as the Philippines, imperils the safety and well-being of our people. The Philippines is an archipelago with a coastline that in its totality is one of the longest in the world. We are located in a region that has been identified as particularly prone to crimes at sea. We cannot and must not allow our seas and oceans to become the means by which transnational crimes are committed.

I believe that the Secretary-General speaks with authority when he says in his report that the continuous expansion of organized crime and its ability to infiltrate the financial, economic and political systems of countries throughout the world has made the search for a proactive response a national, regional and global priority.

In June this year the Association of South-East Asian Nations (ASEAN) held a ministerial-level meeting on transnational crime in Yangon, during which the importance of strengthening regional capacity to combat transnational crime was stressed. During that meeting a regional plan of action was initiated to combat transnational crime, including crimes at sea, such as piracy, trafficking in persons, drug trafficking and arms smuggling. There was an agreement in principle to establish an ASEAN centre for combating transnational crime.

We agree with the Secretary-General when he states in his report that the delimitation of maritime boundaries is becoming increasingly important in the practice of States and that many maritime delimitations, in particular of exclusive economic zones, are still pending. We join him in his conclusion that it is particularly important that States agree on secure maritime boundaries, since such agreements contribute to the promotion of peace and stability at the regional level.

Maritime delimitation is indeed a difficult process. It is even more difficult when territorial disputes are involved, and the establishment of maritime boundaries can hardly proceed independently of these disputes.

We are currently in the midst of such difficulties in the South China Sea. As a claimant country, we continue to emphasize the importance of resolving these claims in the interest of the peace and stability of our region. We continue to reiterate the need for these disputes to be settled peacefully, in accordance with the recognized principles of international law, including the United Nations Convention on the Law of the Sea, and to continue to exercise self-restraint in the conduct of activities in the South China Sea. We had achieved a breakthrough in 1992 with ASEAN's Manila Declaration on the South China Sea, but subsequent events have shown that much more has to be done.

In this regard, the ASEAN Foreign Ministers in 1996 agreed to the idea of a regional code of conduct which would lay the foundation for long-term stability in the area and foster understanding among claimant countries. At the sixth ASEAN summit, the ASEAN leaders agreed to promote efforts to establish this code of conduct among the parties directly concerned. In coordination with ASEAN members and other States concerned, the Philippines has prepared a draft code of conduct that is currently being considered by ASEAN and other officials.

This week, the leaders of ASEAN will gather in Manila for an informal summit. There will be many issues before them. Among these issues will be the South China Sea and the draft code of conduct the Philippines has proposed. We hope that this process towards the adoption of a code of conduct will move one step closer towards fulfilment during the informal summit. The Philippines would like to thank the ASEAN States and the other States directly concerned for their views, comments and cooperation on this issue.

I would also like to express my country's appreciation to all States that have remained actively interested in this issue. In particular, I would like to thank Indonesia and Ambassador Hasjim Djalal for their positive contribution to this issue through the ongoing informal workshops on managing potential conflict in the South China Sea, as well as Canada for its continuing support for this project. I would like to encourage all States that are interested in resolving this dispute in a just, peaceful and meaningful manner to remain interested in all developments. Indeed, the South China Sea presents one of the more distinctive legal and political challenges in international law and relations.

Not surprisingly, the Philippines is deeply interested in the dispute settlement mechanisms of international law, including those contained in the United Nations Convention on the Law of the Sea. We have been following developments in the dispute settlement modalities contained in the Convention, particularly the International Tribunal for the Law of the Sea. We see an increasing role for the Tribunal in the law of the sea and hope that adequate resources will continue to be made available to it. We have also been closely following developments in the International Court of Justice, particularly on the numerous cases before it concerning territorial and maritime disputes.

The Philippines considers that the Convention on the Law of the Sea provides an excellent overall framework for action in the marine sector, as stated by the Secretary-General in his report. Indeed, it is important to proceed in an integrated manner. As we have seen, particularly after the review conducted by the Commission on Sustainable Development, perhaps all roads do lead to the Convention.

Miss Durrant (Jamaica): I have the honour to speak on agenda item 40, "Oceans and the law of the sea", on behalf of the 14 members of the Caribbean Community (CARICOM) that are members of the United Nations.

CARICOM member States attach great importance to the achievements made in the area of oceans and the law of the sea, particularly because the Caribbean Community is comprised of small island and coastal States which are heavily dependent for their viability on the effective management, protection and sustainable development of the sea and its resources.

We would like to thank the Secretary-General for his very comprehensive report (A/54/429) under this agenda item. We also wish to commend the Division for Ocean Affairs and the Law of the Sea for the significant contribution it has continued to make in monitoring developments related to oceans and the law of the sea, and in providing technical assistance and advice on these matters.

The fact that 132 countries have become parties to the United Nations Convention on the Law of the Sea demonstrates the wide acceptance of the Convention as the overall legal framework within which activities concerning the oceans and the sea should be carried out. It is our hope that those States not yet parties to the Convention will take early, appropriate action to that end. We further encourage those States parties which have not yet become parties to the Agreement on the implementation of Part XI of the Convention to do so at the earliest opportunity.

CARICOM States take special interest in the United Nations Convention on the Law of the Sea, since we were integrally involved in the negotiations leading up to the Convention, and we are pleased to have the headquarters of the International Seabed Authority located in Jamaica. We attach great importance to the work of the International Seabed Authority and note with satisfaction that the Authority has embarked on meaningful implementation of its mandate, which embraces activities regarding the management and control of the seabed, the ocean floor and its subsoil beyond the limits of national jurisdiction.

We welcome the signature of the Headquarters Agreement between the International Seabed Authority and the Government of Jamaica on 25 August of this year. It should be noted, however, that this Agreement and the Protocol on the Privileges and Immunities of the International Seabed Authority are complementary. We therefore urge States to sign and ratify the Protocol as early as possible.

We are also concerned that the work of the Authority has been adversely affected by the non-payment of assessed contributions. It is essential for the viability and effective functioning of this body that Member States pay their assessed contributions in a timely manner. We also call on the former provisional members which have outstanding contributions to pay these in full. This is especially important in the light of the Authority's responsibility for elaborating the regulations regarding exploitation of the Area and for examining the need for exploration of other mineral resources, such as polymetallic sulphides and cobalt-bearing crusts.

Last year CARICOM States expressed the hope that during the Authority's session this year significant progress would be made towards the completion of the draft Regulations for Prospecting and Exploration of Polymetallic Nodules in the Area. We note that the Council completed only a first reading of these draft Regulations. We therefore take this opportunity to reiterate that high priority should be attached to the completion of these draft Regulations and urge States parties to work diligently towards the early achievement of this goal.

CARICOM States are also pleased that the Legal and Technical Commission completed its first reading of the draft environmental guidelines. We also note the substantial benefits accruing to participants in the workshops convened by the Authority on the environmental impact of deep seabed mining and proposed technologies.

We are pleased that States are increasingly seeking recourse to the International Tribunal for the Law of the Sea. We welcome in particular the establishment of the disputes settlement chamber, and note the judgements handed down in the cases of the merchant vessel *Saiga* and the southern bluefin tuna. The adoption by the Tribunal of its rules of procedure is also an important step towards the establishment of a framework for the functioning of that body.

CARICOM member States welcome the progress reflected in section II.D.3 of the Secretary-General's report regarding the work of the Commission on the Limits of Continental Shelf. The Commission's formal adoption of the Scientific and Technical Guidelines, which will set the parameters and methodology for the establishment of the outer limits of the continental shelf, is a welcome development. We now look forward to participating, where applicable, in the next phase of activity involving the preparation of submissions in respect of the outer limits of the continental shelf.

We strongly support the call for the provision of training, particularly for practitioners from developing countries, to ensure their competence in the technical knowledge and skills required for preparation of the submissions. Expertise in this specialized area is extremely rare in small developing countries such as ours, and the lack of appropriately trained personnel should not preclude our participation in this important activity. In the same vein, we also support the establishment of a mechanism to assist in financing the participation of the members of the Commission from developing countries.

CARICOM States consider that the Hamilton Shirley Amerasinge Memorial Fellowship Programme makes a vital contribution to the development of expertise in the area of the Law of the Sea. We therefore welcome the recommendation by the Fellowship Advisory Panel that there should be further exploration of the possibility of increasing the endowment to enable the Panel to award more than one fellowship since there are so many outstanding applicants each year. We wish to record our appreciation to those States and organizations, as well as individuals, who have made voluntary contributions to the financing of this programme and we encourage others to make similar contributions.

CARICOM member States have for many years expressed growing concern at the increasing threat to our marine environment posed by pollution and by the transportation of hazardous and nuclear waste through the Caribbean Sea. Indeed, this matter again received priority attention during the twentieth session of the CARICOM Heads of Government earlier this year. The twenty-second special session of the General Assembly, for the review and appraisal of the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, also addressed the concerns of these States regarding the transboundary movement of hazardous and radioactive wastes.

We therefore appreciate the comprehensive treatment of issues relating to the preservation and protection of the marine environment and the carriage of irradiated nuclear fuel, plutonium and high-level radioactive waste given in sections V.B.2 and VII.C of the Secretary-General's report. It is a matter for concern that while, according to International Maritime Organization (IMO) criteria, more than 50 per cent of all packaged goods and bulk cargo currently transported by sea can be regarded as dangerous, hazardous or harmful to the environment, the existing international legal regime

does not provide adequate protection for the marine environment of transit States. This is a matter which CARICOM States believe should be addressed without delay.

We note the establishment of an informal inter-agency group including the IMO, the International Atomic Energy Agency (IAEA) and the United Nations Environment Programme (UNEP) to evaluate the potential hazards of radioactive material on the environment, and we look forward to receiving the results of the group's study next year. We also welcome, as a step in the right direction, the IMO Maritime Safety Committee's amendments to Chapter VII of the International Convention for the Safety of Life at Sea with a view to making the IMF Code mandatory.

Much more, however, still needs to be done. We recognize that issues of disclosure, liability and compensation in the event of accidents are not adequately treated in existing international instruments. For islands and coastal States heavily dependent on the marine environment and its resources for their economic and ecological well-being, more comprehensive protection is urgently needed. CARICOM States will therefore continue to be strong advocates for action on these issues.

The commitment of CARICOM States to the sustainable development of the oceans and seas, was reiterated during the recent special session of the General Assembly on small island developing States. Our coastal and marine resources support our tourism and fishing industries which are fundamental to the livelihood and sustainable development of our States. The need for the effective management and development of these resources cannot be overemphasized. We therefore welcomed the very useful information provided in Section VII.A of the Secretary General's report on the conservation and management of living marine resources. Of particular concern to the Caribbean is the preservation of marine and coastal biodiversity, with special emphasis on the protection of our coral reefs. We strongly support the request for careful study of the problem of coral bleaching and continue to support the work of the secretariat of the International Coral Reef Initiative (ICRI), UNEP and other agencies working towards halting the decline in coral reefs.

The recent special session devoted timely and much needed focus to the vulnerabilities and special challenges which small island developing States face and provided us with an opportunity to address a full range of issues directly related to the oceans and the seas from climate change and sea level rise to the management of coastal zones and marine resources. We look forward to the support of the international community as we seek to further implement the Barbados Programme of Action.

CARICOM States have brought to the General Assembly a proposal to have the Caribbean Sea recognized as a special area in the context of sustainable development. This initiative was born of a genuine concern on the part of our member States at the progressive degradation of our marine environment and increasing recognition of the need for an integrated approach to the management of the marine environmental resources in the wider framework of sustainable development. We therefore look forward to the support of the international community as we continue to pursue this initiative.

The Commission on Sustainable Development has played an important role in elaborating guidelines and principles relating to the oceans and seas. We note the recent recommendation by the Commission, subsequently endorsed by the Economic and Social Council, for the establishment of an informal consultative process to strengthen international coordination and cooperation on oceans and seas. We see this as providing a useful link between the Commission and other environmental forums and the annual debate on oceans and seas in the General Assembly.

CARICOM States, organizations and agencies responsible for various aspects of oceans and seas have, at the national and regional levels, recognized the need for further coordination and cooperation. To this end, national councils and regional consultations on ocean, marine and coastal affairs have been established. CARICOM member States are committed to ensuring that this new informal coordination and cooperation process will respect existing international regimes governing this area and will also take into account regional and national coordinating mechanisms.

CARICOM States wish to place on record their appreciation to the United Nations Environment Programme for the important contribution it has made to strengthening marine and coastal zone management through its regional seas programme. Important agreements for our region have been developed through this initiative, including the Cartagena Convention for the Protection and Preservation of the Marine Environment and its protocols on land-based sources of marine pollution and specially protected areas and wildlife. We welcome these agreements and remain committed to

taking all necessary measures, with the cooperation of other Member States of the United Nations, to ensure the protection of our marine environment.

The member States of the Caribbean Community wish to reiterate our commitment to cooperation with the wider international community in the area of the oceans and seas under the governance of the United Nations Convention on the Law of the Sea and other international and regional instruments relating to the oceans and seas.

Mr. Ingólfsson (Iceland): At the outset, I would like to commend the Secretariat for the report on oceans and the law of the sea contained in document A/54/429. The report is comprehensive and reflects improved cooperation between the Division for Ocean Affairs and the Law of the Sea and other relevant bodies. By improving this report, which is the basis for our annual debate on these important issues, the Secretariat has made a significant contribution towards improving our debate. We consider this report an extremely important document, since it is the only comprehensive and multidisciplinary United Nations document that gives the General Assembly an overview of all aspects of marine affairs while integrating legal, economic, social and environmental issues. These issues are of overriding concern for Iceland.

The United Nations Convention on the Law of the Sea provides the legal platform on which we must base all our deliberations. We welcome the ratification of the Convention by five States, which brings the total number of States parties to 132. We urge Member States of the United Nations that still have not ratified the Convention to do so.

Iceland welcomes the growing awareness about the oceans and ocean issues. The importance of the oceans for humankind cannot be overemphasized. The oceans are the single most important source of protein on the planet and constitute a crucial part of the earth's ecosystem. The conservation and sustainable use of living marine resources is a matter of critical importance for both present and future generations.

Enhanced sustainable yield from the oceans is required both to ensure future food security and the prosperity of those who depend on the ocean for their livelihoods. But how can we enhance sustainable yield? For one thing, the global community is not lacking in principles, rules or guidelines intended to ensure conservation and sustainable utilization of living marine resources. As mentioned before, the most important instrument is, of course, the Convention on the Law of the Sea. But one should, in this context, also mention the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries, the FAO Compliance Agreement, chapter 17 of Agenda 21 and the Convention on Biological Diversity. All these instruments are aimed at helping countries develop their own fisheries management systems and at reaching agreement on rational fisheries management policies on a regional basis, both within and outside national jurisdictions. If these principles, rules and guidelines were fully implemented, the depletion of fish stocks and the degradation of marine habitats and biodiversity would not be occurring.

Furthermore, it is widely recognized that marine pollution from land-based activities is putting increasing pressure on the health of the world's oceans and has to be tackled effectively by the international community. This pollution is directly linked to population growth, urban development and a large increase in the release of man-made chemicals into the marine environment. Persistent organic pollutants are of special concern. The negotiations on a legally binding international agreement aimed at eliminating the production and use of certain persistent organic pollutants, ongoing under the auspices of the United Nations Environment Programme, are of vital importance.

My Government has repeatedly emphasized in this and other forums the importance of objective and balanced discussion on the utilization of marine living resources. Unfortunately, overfishing and unsustainable fishing practices are severe in some parts of the world, which calls for urgent actions to regulate those fisheries. It is important that this be done in a local and regional context. Experience has shown that where sound scientific knowledge and strong conservation awareness go hand in hand, the sustainable use of marine living resources is best secured by local and regional management, in partnership with those who make their living from the utilization of those resources. I would like to mention, as a positive example, the regional fisheries cooperation which takes place in the north-east Atlantic Ocean.

The three institutions established under the Convention are already functioning. The International Tribunal for the Law of the Sea has already dealt with four cases in an expeditious and effective manner. The

International Seabed Authority has recently concluded its first discussions on the so-called mining code, and we look forward to the further substantive work of the Authority. Iceland has followed with keen interest the work of the Commission on the Limits of the Continental Shelf, which recently adopted the Scientific and Technical Guidelines to provide assistance to coastal States regarding the data and information they have to submit to the Commission. The open meeting to be held next year in conjunction with the seventh session of the Commission will be particularly important, since its main aim will be to familiarize representatives of coastal States with the necessity of implementing the provisions of article 76 of the Convention.

I would furthermore like to touch upon an issue to which my Government attaches great importance: the overcapacity of the world's fishing fleets. This overcapacity is a principal contributor to overfishing and thus to the depletion of fish stocks in many regions. In our view, government subsidies are a primary cause of this overcapacity. This is a serious problem that the international community has to tackle in a constructive manner.

Iceland participated actively in the informal negotiations on the three oceans-related draft resolutions that we are debating today. I would like to touch briefly upon each one in turn.

Iceland is a sponsor of this year's draft resolution on the United Nations Convention on the Law of the Sea. Iceland was one of the first countries to ratify the Convention, and, in our view, it is imperative that the Convention be fully implemented and that its integrity be preserved. We reserve our position with regard to the question of whether the United Nations Educational, Scientific and Cultural Organization is the appropriate forum for the negotiations currently under way on an agreement on underwater cultural heritage. All in all, however, this draft resolution is well balanced, and we urge countries to vote in favour of it.

In the negotiations on the draft resolution on the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks we placed special emphasis on the importance of regional cooperation in fisheries management and conservation, which is the core of the Agreement. It is imperative that countries ratify this Agreement. Iceland has for the first time decided to become a sponsor of the draft resolution on this issue.

Iceland worked with other interested delegations, during the seventh session of the Commission on Sustainable Development, on its recommendations on enhancing international coordination and cooperation in ocean matters. Among the solutions offered was to enhance the effectiveness of the annual debate of the General Assembly on oceans and the law of the sea. The Commission reiterated that the General Assembly was the appropriate body to provide the coordination needed. To achieve that goal, it was agreed that more time was to be allotted for the consideration and the discussion of the report of the Secretary-General. As I said before, the Secretariat has already facilitated our endeavours by providing us with an excellent report this year.

My delegation is pleased to join the consensus on draft resolution A/54/L.32. We are pleased with the outcome of the negotiations and would like to extend our thanks to the delegations of New Zealand and Mexico for their hard work during the process as well as to the two co-Chairmen, from Canada and Pakistan, respectively, who smoothed the way for the consensus.

This draft resolution sets up a framework for our work next year in which we will participate actively. For Iceland it is imperative that this consultative process be as structured as possible and that the deliberations should take place inside the framework already decided upon. We look forward to the participation of major groups identified in Agenda 21 and their contribution to this process, in particular through panel discussions.

Mr. Lavalle-Valdés (Guatemala) (*spoke in Spanish*): My delegation fully shares the views expressed by the representative of Mexico on behalf of the Rio Group. We would like, however, to make a few comments of our own.

Governments and other national institutions have put in place a tremendous and ever-growing array of norms and bodies to regulate different areas of common interest, thereby stimulating cooperation and resolving the problems that arise in those areas. Within this array, the extensive body of norms and the many active institutions that deal with the oceans and seas play a special role.

What makes these international actions in the area of the oceans and the law of the sea so unique? In our view, it is due mostly to the fact that this area of international endeavour, unlike others, involves an extensive geographical area. The actions taken in this field represent a necessary response to the challenges and

opportunities arising from the existence of perfectly determined geographical areas that cover 71 per cent of the surface of our planet but cannot be under the full individual control of States.

These *sui generis* areas, which form a single whole, are critical for life on the rest of the planet. They provide humankind with great benefits and valuable resources of all kinds, but they also give rise to many serious threats and problems. In addition, most of the resulting challenges, which are ever more numerous and complex, can be tackled only at the international level and in a multidisciplinary manner.

As a result, we should not be at all surprised by the unique character or the prominence of international action in the area we are dealing with today, which is so extensively described in the excellent and very detailed report before us. This document, due to its astounding diversity of subject matter and consequent density, is rather difficult to digest, especially for Governments with limited human resources. While this was also the case with previous reports, it is clear that the document is, of necessity, becoming more complex every year. If I can be allowed the following metaphor, it would seem that the report in question should not be digested by only one stomach but rather, after being cut up into several pieces, by several stomachs, each of which would deal with a single one of those pieces.

In this way the General Assembly could adopt not just a few but many resolutions on this item, each the result of a careful study of a single aspect of the subject. But we do not have the time — nor, possibly, after a certain point, the resources — to bring this task to fruition. Nor can we overlook the fact that the General Assembly is not, nor should it be, a technical organ. Its task in this area should be that of elaborating the consolidated, comprehensive approach which that is required, which only the Assembly can do.

Nevertheless, we deem it positive that a broad debate at our level is taking place on the item on oceans and the law of the sea.

That is why Guatemala co-sponsored the draft resolution contained in document A/54/L.32, in which, in accordance with paragraphs 2 and 3, the Assembly, basing itself on the recommendations made by the Commission on Sustainable Development in paragraph 39 of its decision 7/1, would give greater consideration to the oceans and the law of the sea in its annual general report.

We would like to express our support for the draft resolution currently being negotiated in the Second Committee with respect to the Caribbean Sea. Given the views expressed at the Third United Nations Conference on the Law of the Sea and the fact that on all maps it conforms to the definition contained in article 122 of the United Nations Convention on the Law of the Sea, we would be surprised if solid arguments could be made to refute the thesis that the Caribbean Sea is, in accordance with this article, a semi-enclosed sea, and that therefore the subsequent article of the Convention must be applied. In any case we have no doubt about any of the attributes accorded to the sea by operative paragraph 6 of the draft resolution contained in document A/C.2/54/4. We hope that with the necessary adjustments, but without substantial changes, this draft could be adopted by consensus.

We would like also warmly to welcome the five States named in paragraph 10 of the general report to the circle of States parties to the Convention on the Law of the Sea. Last year's report listed six States that took the same step during that period. We do not have statistics in this area, but we believe that very few multilateral treaties, or even universal ones, have so many parties more than 15 years after their adoption. We hope that this trend will continue and that there will be an increase in the number of parties to the Convention, which, we understand, will shortly be ratified by at least one more Latin American State.

Mr. Gao Feng (China) (*spoke in Chinese*): First of all, please allow me to express our satisfaction at the convening of the ninth Meeting of States parties to the Convention on the Law of the Sea and the fifth session of the International Seabed Authority. I also wish to take this opportunity to thank the Chairmen and the members of the Bureaus.

The ocean is vital to the survival and development of humankind. Like other members of the international community, China, as a significant coastal developing country, has a keen interest in, and attaches great importance to, the peace, tranquillity and stability of the sea; the effective and sustainable use of marine resources; and the development of research in the area of the marine sciences and the protection of the marine environment.

We have noted that the United Nations Convention on the Law of the Sea, the Agreement relating to the implementation of Part XI of the Convention, and other relevant rules, regulations and procedures have provided

a legal framework for addressing these concerns. Together, they constitute a code of conduct that the international community must abide by in utilizing and protecting marine resources. China, therefore, has actively supported and participated in the various organs under the Convention and in their activities, and we will continue to do so in the future.

China attaches great importance to the work of the International Seabed Authority. During the Authority's fifth session, held this year, its Council continued its consideration of the draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area — the mining code — and completed its first reading and started its second. The Secretary-General of the Authority also decided to seek completion of work on the mining code next year. The mining code is a document of major importance in the international system governing the seabed. The Chinese Government believes that its consideration and formulation should follow the principle of the common heritage of mankind, and should help promote the protection, development and utilization of that heritage.

To that end, the mining code should safeguard the legitimate interests of developing countries with respect to technology transfer and technical training. It should include sufficient provisions on the protection of the marine environment. At the same time, given the contributions made by investors in developing and utilizing the common heritage of mankind, their legitimate interests should also be guaranteed. More countries and entities with technological know-how should be encouraged to increase their activities in the Area in keeping with the principle of balanced rights and obligations. Only in this way can the draft mining code be accepted by all parties, the economic and social development of mankind be promoted through the common heritage of mankind, and the marine environment be better protected through new experiments and technical innovations.

China is happy to see that the Legal and Technical Commission has already started its consideration of the Guidelines, which were prepared on the basis of the workshop held last June in Sanya, China, on the possible environmental impact of deep sea exploration. As one of the pioneer investors of the International Seabed Authority, China will, as always, faithfully fulfil its obligations and make its contribution to the development of international seabed resources and to the protection of the marine environment.

We are also happy to see that the International Tribunal for the Law of the Sea, which was set up under annex VI of the Convention, has started substantive operation, having been constituted. This year, the Tribunal considered the case of the M/V *Saiga* on its merits and reached a final decision on 1 July. On 30 July, Australia and New Zealand asked the Tribunal to take provisional measures to compel Japan to stop its unilateral acts of fishing of bluefin tuna for scientific research purposes. The Tribunal had made a decision on provisional measures by 27 August. The Chinese Government hopes that the Tribunal will continue to play its role in the settlement of maritime disputes.

Furthermore, progress has been made in the work of the Commission on the Limits of the Continental Shelf. The Commission completed its consideration of the Scientific and Technical Guidelines, and adopted them. It is our hope and conviction that the experts of the Commission will provide scientific criteria as well as consultative opinions with regard to the delimitation of the outer limits of the continental shelf.

China attaches great importance to sea-related issues under the multilateral system and has actively participated in activities is that field. Moreover, China also has made its unilateral and bilateral contributions to the peace of the sea and to the sustainable use of marine resources. On 1 June this year, China's fishing authority decreed that fishing in the area north to 12 degrees north latitude in the South China Sea would be forbidden during the summer, so as to help with the protection, conservation and management of the fishing resources in that area. At present, China is actively engaged in consultations with Japan, the Republic of Korea, the Democratic People's Republic of Korea, the Philippines and other neighbouring countries on issues relating to the law of the sea and fishing.

As we enter the twenty-first century, the sea is going to be ever more closely linked to the survival and development of mankind. The international community should join efforts within the framework of the Convention and work to bring a healthy and stable sea order into the next century so that the sea can better serve mankind, and be better served by mankind in return.

Ms. Grčić Polić (Croatia): I would like to begin this brief statement on behalf of the delegation of the Republic of Croatia by thanking the Secretary-General for his report (A/54/429) on the issue we are discussing

today. By presenting a rich inventory of all the major international activities relating to the oceans and the law of the sea, the report, as noted by a previous speaker, goes beyond the traditional format of an annual report. The scope of the report is comprehensive, and its reporting style truly transdisciplinary. We would like therefore to express our appreciation for the contributions made by the relevant Secretariat units, funds, programmes, agencies, convention secretariat and organizations of the United Nations system, and in particular, by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs.

Every national and international rule, measure and action relative to the seas and oceans must comply with the letter and the spirit of the United Nations Convention on the Law of the Sea, adopted at Montego Bay, Jamaica. Elaboration of the principles contained in the Convention can be achieved only in the manner in which the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks was concluded. We hope that the draft Convention on the Protection of Underwater Cultural Heritage will also be completed in keeping with the content of the relevant articles of the Law of the Sea Convention.

The report of the Secretary-General is but a new confirmation of the first successful results achieved by the institutions established on the basis of the Convention on the Law of the Sea. The Council of the International Seabed Authority has completed the first reading of the draft mining code; the Commission on the Limits of the Continental Shelf has adopted the Scientific and Technical Guidelines; and the International Tribunal for the Law of the Sea has completed a considerable amount of judicial work in the last year. It has not only intervened in several disputes between States but has also contributed to the interpretation of the Convention's solutions concerning the rights of coastal States, the freedom of navigation and the protection of the living resources of the sea.

Croatian ships in all the seas and oceans, and the Croatian authorities in the Adriatic, are doing their best to implement scrupulously the rules of the Convention on the Law of the Sea. Our cooperation with the neighbouring coastal States, as well as with the landlocked countries in Central Europe, has been fruitful in, among other areas, the field of transit to and from the Adriatic Sea, the use of our ports, the protection and preservation of the marine environment and the management and conservation of the living resources of the sea. The first results have been achieved concerning sea boundary delimitation with some of our neighbours, while negotiations with the others continue. We shall spare no effort in order to arrive at acceptable solutions for us and for our neighbouring Adriatic States as well. However, if negotiations prove to be unsuccessful, we are ready to submit our problems to dispute settlement procedures provided for in the Convention. It is our firm determination to resolve questions related to delimitation, as well as any other problem of the Adriatic space, by peaceful means without any delay. In this sense, in accordance with Article 287 of the Convention, the Government of Croatia declared that it had chosen, as a means for the settlement of disputes concerning the interpretation or application of the Convention, first the International Tribunal for the Law of the Sea, and secondly, the International Court of Justice.

Croatia believes that the establishment of a new informal consultative process on oceans and seas is an important step, and we have supported the efforts of those States which continue to work in that direction. Consistent with this, Croatia has also co-sponsored the draft resolution under the sub-item "Results of the review by the Commission on Sustainable Development of the sectoral theme of 'oceans and seas'". The global importance of oceans and seas calls for a multidisciplinary and truly integrated approach which will improve coordination and cooperation on the environmental, legal, economic and social levels, as well as among Governments and agencies. We believe that the open-ended informal consultative process to be established has an important role to play, and we look forward to participating in the meetings to be held within its framework beginning next year.

Finally, the Government of Croatia cherishes the hope that the law of the sea will generally be respected in the forthcoming years and that Adriatic blue will become a colour of peace and security in the third millennium.

Mr. Tomka (Slovakia) (*spoke in French*): I have the honour of speaking in my capacity as President of the ninth Meeting of the States Parties to the United Nations Convention on the Law of the Sea, which took place from 19 to 28 May 1999. I join previous speakers in presenting to delegations here in the Assembly a modest but, let us hope, useful accounting of work carried out at that Meeting.

I would like to begin by expressing my satisfaction that as we celebrate the fifth anniversary of the entry into force of the Convention, 131 States and one international organization are parties to the Convention, and we hope this community will become as universal as the family of Members of the United Nations. To this end, it is my wish that the States that support the Convention, but that for various reasons have not ratified or acceded to it, respond in a positive spirit to the appeal made regularly for years by the General Assembly in resolutions on oceans and the law of the sea.

I must note that the agenda of the ninth Meeting was particularly full: in an exercise that has become customary, the States parties were asked to examine as a matter of priority the draft budget for the International Tribunal for the Law of the Sea for the year 2000. This year they also had to elect seven members of the Tribunal with a view to filling seats of judges whose mandate of three years had expired on 30 September 1999. Among the other questions of importance taken up at the Meeting were the rules of financing of the Tribunal and the conditions under which retirement pensions may be given to members of the Tribunal. In addition, the Meeting also gave attention to the annual report of the Tribunal for 1998, to questions submitted to the Meeting of States Parties by the Committee on the Limits of the Continental Shelf, to the Rules and Procedures for Meetings of States Parties, in particular article 53, dealing with decisions on questions of substance, and to other issues. I am glad to be able to affirm that the States Parties were able to accomplish these tasks in a particularly satisfactory manner.

At the beginning of its work, the Meeting focused on the report of the Tribunal, presented by its former President, Mr. Thomas Mensah, and delegations took note with satisfaction of the activities of the Tribunal in 1998, in particular of its judicial work. I am glad also to be able to join the other States parties in complimenting the Tribunal, and particularly Mr. Mensah, for progress made since the creation of that institution, which we can now consider firmly established and completely operational. The conditions of its functioning will without any doubt be improved when the Tribunal moves into its permanent quarters in Nienstedten, a residential suburb of Hamburg, in the spring of the year 2000, just before the next Meeting of States Parties.

The 21 members of the Tribunal who will be headquartered there will include the seven new judges elected on 24 May 1999. Let me take this opportunity to warmly congratulate Judge Chandrasekhara Rao on his election as President of the Tribunal; I am certain that under his leadership the Tribunal will fulfil the hopes placed in it. I also congratulate Judge Dolliver Nelson for his election as Vice-President of the Tribunal.

With respect to the budget of the Tribunal for the year 2000, the Meeting approved a total sum of $7,657,019. The Meeting of States Parties also approved a sum of 679,364 dollars for a reserve fund designed to give the Tribunal the financial resources needed to examine cases submitted to it in 2000, particularly those that must be heard urgently. The fund will be used only if these cases are brought before the Tribunal.

On the suggestion of the President of the Tribunal, the Meeting also decided to consider adjusting the remuneration of the judges, so as to bring it into line with the compensation of members of the International Court of Justice. Delegations were unanimous in recognizing the principle of maintaining the equivalence of the remuneration of the members of the Tribunal with the remuneration levels of the judges of the International Court of Justice. However, it was noted that retroactive application of this adjustment would not be allowed. Therefore the Meeting approved a draft decision bringing, as of 1 January 2000, the maximum annual remuneration for members of the Tribunal to the level of compensation of members of the Court. I note that this level is merely a point of reference and that the actual remuneration of members of the Tribunal is determined on the basis of a formula that takes into account the days that members actually spend exercising their functions.

In the context of the debates on the budget, the Meeting considered the question of the establishment of a floor rate and a ceiling rate for contributions to finance the Tribunal's budget. Following these deliberations, it decided that contributions of State parties would be calculated on the basis of the scale of assessments for the regular budget of the United Nations for the corresponding budgetary period, adjusted to take into account the degree of participation in the Convention, and that a floor rate of 0.01 per cent and a ceiling rate of 25 per cent should be used to establish the scale of assessments of the States parties for the Tribunal's year 2000 budget.

As regards the activities of the Tribunal, several delegations emphasized the need to continue to ensure the transparency of its financial and administrative management. Here it was decided, *inter alia*, to request

the Registrar to submit to subsequent meetings the totals related to the implementation of the budget.

The debates begun during previous Meetings on the Financial Regulations of the Tribunal were continued. The subject gave rise to an animated and intense discussion. Several draft amendments, which deserved to be examined further and in detail, were proposed. In this regard it should be recalled that the Meeting had decided that all additional amendments and observations should be submitted in writing to the Secretariat before 30 November 1999. It is therefore incumbent on me to draw the attention of interested States parties to the fact that the Secretariat has not yet received submissions regarding the rules of procedure and that further delay might complicate the work of preparing the document that is to be considered for adoption at the next — the tenth — Meeting.

Another question on the agenda dealt with the draft Pension Scheme Regulations for Members of the International Tribunal for the Law of the Sea. This draft took into account the changes made to the Pension Scheme Regulations for the members of the International Court of Justice — changes previously approved by the General Assembly. At the Meeting several additional amendments were proposed. At the end of the negotiations, the draft, as amended, obtained the general approval and the Pension Scheme Regulations for Members of the International Tribunal for the Law of the Sea was thus adopted.

After having exhausted questions dealing with the Tribunal, the Meeting resumed consideration of article 53 of its Rules of Procedure dealing with the taking of decisions on financial and budgetary questions. I regret to have to note that the Meeting did not make progress in its quest for unanimity, and it will be necessary to continue discussion of this matter during the tenth Meeting.

In my opinion the Meeting had a fruitful exchange of views on this item, and several delegations demonstrated their agreement in principle to the establishment of the special trust fund requested by the Commission on the Limits of the Continental Shelf, a special trust fund administered by the United Nations Secretary-General to finance the travel and lodging costs for members of the Commission from the developing countries. The majority of participants believed, however, that if they were to formulate their recommendation to the General Assembly, the Meeting needed to receive from the Commission detailed information on the existing needs and on the financial resources required for each of the sessions, and that if such information were not made available, it would be difficult to take any decision whatsoever on this item. As agreed, I informed the Chairman of the Commission of the tenor of the debate on this matter. On the basis of the last statement by the Chairman of the Commission on the state of progress of the work of the Commission during its sixth session, which took place from 30 August to 3 September, I note with pleasure that the Commission has already dealt with this issue and that it requested that the relevant information be submitted to the President of the next Meeting of States Parties.

I cannot conclude without mentioning the very interesting debate on the role of the Meeting which, according to some participants, should not be limited to questions of an administrative nature but should also consider reports from all the institutions created on the basis of the Convention. On the other hand, a number of delegations were in favour of a narrower interpretation of the Convention, in the sense that the functions of the Meeting of States Parties were defined in the text of the Convention and that the Meeting did not have competence to undertake other functions. During this debate other opinions — at times quite divergent ones — were voiced, and a number of relevant questions regarding the role of the Meeting were raised. These issues will probably be the subject of other debates during the next Meeting, and I do not wish to prejudge their outcome. Here I would merely like to express my hope that some aspects of this discussion will be to a large extent clarified by recent developments and by the adoption of draft resolution A/54/L.32, introduced under sub-item 40 (c) of the agenda and entitled "Results of the review by the Commission on Sustainable Development of the sectoral theme 'oceans and seas': international coordination and cooperation".

Under other matters, the Meeting took up an extremely urgent problem for member States of the International Oil Pollution Compensation Funds, as regards the responsibility of ship owners for oil-pollution damage, the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. An urgent appeal had been made to all the parties to the 1969 and 1971 Conventions to deposit as quickly as possible their instrument of denunciation and take the necessary legislative measures to ratify the related protocols of 1992. This is necessary to avoid having two different compensation regimes at the same time.

I would also like to add that the representative of a non-governmental organization made a statement in which he called the attention of the Meeting to the need to ensure protection for seafarers, in particular against acts of piracy and the consequences of the abandonment of ships. He also referred to the growing problems caused by the repatriation of stranded seafarers whose ships were immobilized, adding that his organization had devoted a report to this issue.

I do not want to conclude without thanking once again all of those who have contributed to the particular success of the ninth Meeting and those who supported the difficult work of the presidency. I hope that the next President — of the tenth Meeting — will also benefit from such broad and generous support from States parties.

Mr. Gopinathan (India): My delegation welcomes the comprehensive and informative reports of the Secretary-General on matters relating to the law of the sea and ocean affairs. We are also pleased to co-sponsor the draft resolution on oceans and law of the sea.

During the current year, five more States have ratified the United Nations Convention on the Law of the Sea. The total number of States Parties has now reached 132, including one international organization. Thus, the Convention continues to move steadily towards the realization of the ultimate goal of universal participation. However, many States which became members on a provisional basis under the terms of the 1994 Agreement relating to the Implementation of Part XI of the Convention have not taken the necessary steps to become parties to the Convention, although even the extended period of their provisional membership expired over a year ago.

It is a matter of satisfaction that all the institutions envisaged under the Convention — namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have been established and have made considerable progress in various administrative and institutional matters which are essential to their proper and effective functioning, as well as to the substantive matters provided for under the Convention.

The International Seabed Authority at its fifth session continued its consideration of the draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, commonly referred to as the mining code. The Council of the Authority has completed the first reading of the draft code and will continue its consideration of the draft code with a view to its adoption during the next year. The elaboration of the mining code constitutes the most important substantive basis for carrying out the functions of the International Seabed Authority and we urge its early completion. As a registered pioneer investor, India's plan of work for exploration of the mine site in the Indian Ocean was approved by the Authority in 1997. India has fulfilled its obligations under the Convention, the Agreement relating to Part XI, and resolution II and is thus eligible to obtain a contract for exploration of its mine site, which could be done as soon as the mining code is approved by the Authority.

We welcome the formal conclusion of the Headquarters Agreement between the Government of Jamaica and the Authority and appreciate the facilities extended by the host country to the Authority to enable its efficient functioning. This Agreement governs the relationship between the Government of Jamaica and the Authority; establishes the privileges and immunities of the Authority, its property, personnel and permanent representatives; and is important for its effective functioning.

The draft Financial Regulations of the Authority were adopted by the Council and will be applied provisionally, pending approval by the Assembly. The draft Staff Regulations of the Authority have been prepared by the Finance Committee and will be considered by the Council at the next session. The Legal and Technical Commission completed its first reading of the draft guidelines for the assessment of the possible environmental impact arising from the exploration of polymetallic nodules.

The Commission on the Limits of the Continental Shelf, at its sixth session, adopted its Scientific and Technical Guidelines, which deal with the methodologies stipulated in article 76 of the Convention for the establishment of the outer limits of the continental shelf and are intended to assist coastal States regarding the technical nature and scope of the data and information which they need to submit to the Commission while submitting claims regarding the outer limits of their continental shelf. Thus, the Commission is now ready to accept submissions from coastal States and to provide scientific and technical advice to States in preparing their submissions.

Turning to the International Tribunal for the Law of the Sea, we note that the Tribunal has delivered its first judgment on the merits of a dispute which involved many

important issues, such as the freedom of navigation and other internationally lawful uses of the seas, the enforcement of customs laws, refuelling vessels at sea and the right of hot pursuit. In two other cases filed before it regarding conservation of highly migratory fish species, the Tribunal has prescribed provisional measures. The International Court of Justice also has before it a number of cases involving maritime matters, including questions of maritime boundaries and fisheries. Accordingly, the Tribunal may be expected to play an increasingly vital role in this important area.

My delegation attaches a high degree of importance to all matters concerning the United Nations Convention on the Law of the Sea and to strengthening the new institutions that have recently been set up under the Convention. We will continue to extend our full cooperation and to participate actively and constructively in all United Nations activities pertaining to the Convention and related agreements. It is a matter of concern that several member States, as well as States whose provisional membership has expired, continue to be in arrears of contributions. Considering that the International Seabed Authority and the Tribunal are still in the early stages of their establishment, it is essential that all member States pay their assessed contributions in full, on time and without conditions to enable their effective functioning.

The adoption of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was a significant development in the implementation of the law of the sea Convention. It assumes special importance in view of the caution sounded by the Food and Agriculture Organization of the United Nations (FAO) that over 60 to 70 per cent of fish stocks are being overfished and require urgent intervention to avoid further decline of these stocks below replacement levels. The Agreement has so far been ratified by 24 States and will enter into force after it is ratified or acceded to by 30 States. The Government of India is presently examining the agreement with a view to acceding to it. India is also cooperating with other States at the regional level in the conservation and management of fishery resources and is a member of the Indian Ocean Tuna Commission and the Western Indian Ocean Tuna Organization.

The Code of Conduct for Responsible Fisheries adopted by FAO in 1995, as well as the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas need to be acceded to or applied with immediate effect. It is also a matter of concern that overfishing continues to take place in contravention of applicable regional conservation regimes and that States are not meeting their obligations to ensure compliance by their flag vessels and nationals. We believe that implementation of these agreements will guarantee the enforcement of the rights of developing country coastal states and that technical and financial support will be extended to developing countries for the development of their fisheries. We further believe that artisanal and small-scale fisheries, including subsistence fisheries, should be protected in view of their social and economic importance to coastal States in the developing countries.

We recognize that issues relating to oceans and seas are highly complex and interrelated and, in this context, welcome any effort to enhance coordination and build on synergies. At the same time, we also need to recognize that considerable work has been done by the international community, particularly through the United Nations Convention of the Law of the Sea, which sets out a holistic legal framework for the treatment of the diverse issues related to oceans and seas. Any effort to promote coordination needs to build on this.

Even at the seventh session of the Commission on Sustainable Development, which considered implementation of the relevant chapters of Agenda 21 under the sectoral theme "Oceans and seas", the importance of and the need to respect the United Nations Convention on the Law of the Sea were underscored. Further, in recommending modalities to enhance coordination and cooperation on oceans and seas through the General Assembly, the Commission, in decision 7/1, cautioned that such an informal consultative mechanism should be in full accordance with the United Nations Convention on the Law of the Sea. It also specified that the creation of new institutions should be avoided and that the General Assembly should work to strengthen existing structures and mandates within the United Nations system and should not lead to duplication and overlapping of current negotiations taking place in specialized forums. Above all, the Commission pointed out that the role of the General Assembly was only to promote coordination of policies and programmes and that any informal consultative mechanism of the General Assembly was not intended to pursue legal and juridical coordination among different legal instruments.

It is a matter of some satisfaction that the aforementioned guidelines have been taken into account in framing the informal consultative mechanism in the General Assembly to enhance coordination and cooperation on issues relating to oceans and seas. We look forward to participating actively in this process. In our view, if there is indeed a need for enhanced coordination by the General Assembly, the first step should be to ask the bodies concerned if they feel that this is a problem which needs to be addressed. If their responses indicate that there are indeed lacunae which should be corrected, the General Assembly could then see, on the basis of the recommendations made by the bodies concerned and synthesized by the Secretary-General, if it could play a useful role in these matters. We expect that this is how this draft resolution will be implemented.

Mr. Zmeevski (Russian Federation) (*spoke in Russian*): Last year further progress was made by the international community in strengthening the legal regime established by the United Nations Convention on the Law of the Sea. We welcome the continued increase in the number of parties to this Convention and the stepped up work of the institutions provided for by the Convention: the International Seabed Authority, the International Tribunal for the Law on the Sea and the Commission on the Limits of the Continental Shelf. Their activities have been strengthened by the necessary bases for effective implementation of the Convention, namely, uniformity and consistent application.

Russia has consistently favoured enhancement of the role of the United Nations Convention on the Sea as a universal international legal instrument aimed at developing cooperation among States and the use of seas and oceans for peaceful purposes. We favour an increase in the number of States parties to the Convention.

We share the concern of the Secretary-General over failures of national legislation to comply with the norms enshrined in the Convention, including those referring to the right of maritime transit, marine scientific research and so forth. We are also concerned by discussions in certain international structures of the proposals aimed at a revision of the provisions of the United Nations Convention on the Law of the Sea, in particular those dealing with the regime of the exclusive economic zone. Such ideas arise, for example, in the context of discussing questions related to the transport of radioactive material by sea, *inter alia*, through a territorial sea, economic zone or strait used for international shipping, to the protection of underwater cultural heritage or to the transport of illegal migrants by sea. In our view, attempts to resolve problems of maritime law outside the system of the 1982 Convention undermine the unified rule of law on the world's oceans. The Russian delegation believes that this question must be the focus of the General Assembly's attention, and it supports activities aimed at strengthening the coordination, under the aegis of the United Nations, of international mechanisms in the area of the law of the sea.

The Russian Federation is seriously concerned by the illegal traffic in weapons and drugs and illegal migration carried out in marine areas. Decisive international action must be used to counter piracy and armed robbery. We welcome the stepped up efforts to combat transnational organized crime, and in particular steps undertaken in this context by the International Maritime Organization.

Equally significant for the implementation of peaceful economic activities on the seas and oceans and for their sustainable development is a resolution of the problems of preserving the marine environment and managing and protecting marine resources. In this context, the Russian Federation considers the relevant provisions of the United Nations Convention on the Law of the Sea and of Agenda 21 to be a programme designed to ensure the sustainable development of the oceans and seas. We also attach great significance to the implementation of the Washington Declaration of 1995 on the protection of the marine environment from pollution, as well as recommendations to ensure implementation of the Global Programme of Action for the Protection of the Marine Environment, adopted at the second summit on oceans and seas, which took place in London in December last year.

Russia is prepared to continue cooperating to reduce exports of waste and other materials to be dumped at sea and to support further efforts of the United Nations Environment Programme to combat pollution of the marine environment.

The Russian Federation was one of the first countries to ratify in 1997 the Agreement on the conservation and management of straddling fish stocks. We consider it an important milestone in the implementation of the United Nations Convention on the Law of the Sea and as a compendium of international standards determining the parameters for the cooperation of States in respect of fisheries and the protection of their stocks.

We attach the greatest importance to the Agreement's speedy entry into force, to the wide participation of heads of State and to its effective implementation for the conservation and management of straddling fish stocks. The depletion of living resources in certain regions of the world's oceans and the emergence of serious new threats to the environment make protection of the marine environment and its effective balanced preservation a high priority objective of the international community.

On the national level, we have undertaken a range of measures for the implementation of the Code of Conduct for Responsible Fisheries and of the Agreement on the conservation of straddling fish stocks, providing for the rational use of fish resources. The Russian Federation is not carrying out any type of commercial drift-net fishing. We are in favour of the adoption of expedient measures for the rational use of fish resources, *inter alia*, through less intensive fishing and the establishment of systems of marine preserves and protected zones.

Russia supports the international plans of action approved by the Food and Agriculture Organization Committee on Fisheries to reduce instances of catching seabirds in longline fishing, to preserve shark populations and to regulate fisheries. We attach the highest priority to all efforts designed to combat poaching, unregistered and unregulated fisheries. The Russian delegation supports the recommendations of the Commission on Sustainable Development on the preservation of living marine resources, including ecosystems, on the prevention of the pollution and deterioration of the marine environment and on the coordinated implementation of the provisions of the United Nations Convention on the Law of the Sea and Agenda 21.

We welcome the Commission's desire to strengthen the cooperation and coordination of actions of the international community in an integrated approach to all aspects of ocean issues, and its recommendation that the General Assembly consider ways and means to enhance the effectiveness of its annual discussions on issues of the world's oceans and international law.

The annual comprehensive review by the General Assembly of issues linked to oceans and the law of the sea gives Member States an opportunity to state their views on the most relevant issues relating to the oceans. At the same time, the oceans and seas present a special need for international coordination and cooperation and require a comprehensive approach in considering all legal, economic, social and ecological aspects, at both the intergovernmental and the inter-agency level.

The establishment of an informal consultative process, which is discussed in the draft resolution before us, will assist in implementing this objective. However, it is important to ensure that the informal consultative process acts within the context of strengthening the regime established by the United Nations Convention on the Law of the Sea and is in line with the procedural requirements for the activity of mechanisms established under the auspices of the United Nations.

Russia, as a major maritime Power, attaches great significance to activity related to the world's oceans and intends to actively continue to promote improved cooperation among States in the exploitation of marine areas and the further strengthening of the international legal regime established by the United Nations Convention on the Law of the Sea.

Mr. Pham Binh Minh (Viet Nam): At the outset, let me take this opportunity to express our great appreciation to the Secretary-General for his comprehensive and informative reports contained in documents A/54/429 and A/54/461, which constitute a good basis for our debate. I would also like to express our satisfaction for the tremendous effort and valuable contribution made by the Division for Ocean Affairs and the Law of the Sea and other international institutions concerned with the question of oceans and the law of the sea this year.

Viet Nam notes with satisfaction that until now 132 countries have become parties to the United Nations Convention on the Law of the Sea. This increasing number reflects not only the great significance of the Convention, but also the general acceptance of this legal framework. Undoubtedly, the Convention is gradually becoming one of the most universal instruments in the world. More than 96 countries, including international institutions, have fulfilled their domestic legal process to be bound by the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea. A considerable number of States have lent their full support to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted in August 1995. It must be the common view that this Agreement should be interpreted and applied in

the context of and in a manner consistent with the Convention.

Our delegation welcomes the achievements attained by the International Seabed Authority at its fifth session, held in August 1999 in Kingston, Jamaica, particularly with regard to the draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area and the draft financing regulations of the Authority. We believe that the mining code and other instruments concerned must be in strict accordance with the provisions of the Convention on the Law of the Sea and its annexes. The principle that the Area and the mineral resources thereof are the common heritage of humankind must be observed. The interests of the developing countries should be duly taken into account. The exploration, exploitation and management of the Area and the natural resources thereof has always been considered a new and complicated question by many countries, particularly the developing countries. Therefore, it is necessary that the drafting process of the aforementioned instruments should be reported thoroughly and in a timely way to Member States. Decisions and comments can hardly be made without adequate time for study. It is equally important that the International Seabed Authority pay more attention to the training and education of experts, especially those from developing countries.

For years, the International Tribunal for the Law of the Sea and its operation have been a matter of great interest to the international community. Our delegation notes with satisfaction that seven members of the Tribunal were elected, the budget of the Tribunal for the year 2000 was approved, the revised draft financial regulations of the Tribunal were considered and the Agreement on the Privileges and Immunities of the International Tribunal were signed by 21 countries and ratified by two of them.

With regard to the judicial work of the Tribunal, considerable progress has been noted. Soon after the judgment on the M/V *Saiga* case was given, some other cases were submitted to the Tribunal, such as the M/V *Saiga* (No. 2) case, and the southern bluefin tuna cases (Nos. 3 and 4). This reflects the important role of the Tribunal in the settlement of international maritime disputes.

We are following with keen interest the work of the Commission on the Limits of the Continental Self. Through the six sessions held since its establishment, the Commission has made considerable efforts in its organizational work and in carrying out its mandate. Among these were the adoption in September 1998 of its rules of procedure, the Scientific and Technical Guidelines and its annexes, the election of its Bureau and the establishment of the Working Group on Training. Our delegation believes that the Guidelines and its annexes deal only with matters of procedure and should not affect the rights and obligations of States concerned. Therefore, it is necessary that any terminology and concepts used in those rules should be clarified with the aim of avoiding future misinterpretation.Moreover, the functions and activities of the Commission, as well as the rights and obligations of its members, must be understood and applied in accordance with those of the United Nations Convention on the Law of the Sea and its annexes.

We also take note of the activities, achievements and contributions made by other international institutions dealing with matters relating to ocean affairs and the law of the sea. We are satisfied with the presentation made in document A/54/429 from part V to part XI. There is no doubt that these are aimed at ensuring better exploration, exploitation and management of maritime areas and the continental shelf, while contributing to the maintenance of world peace and security and promoting international cooperation and the settlement of dispute by peaceful means.

The United Nations Convention on the Law of the Sea and its annexes has always enjoyed the strong support of the Government of Viet Nam. The Convention is a framework for national, regional and global activities in maritime areas and continental shelves. It is of great importance that the spirit and the letter of United Nations Convention on the Law of the Sea should be seriously observed by the international community. Among other things, the Convention makes it obligatory for States to respect other States' sovereignty, sovereign rights and jurisdiction over their maritime areas, continental shelves and exclusive economic zones. Unilateral activities, declarations and arrangements of States are required to abide strictly by the provisions of the Convention. Therefore, those that run counter to the provisions of the United Nations Convention on the Law of the Sea and its annexes are considered by Viet Nam null and void. As a party to the Convention, Viet Nam always respects the Convention's provisions and fulfils its international commitments, and therefore demands that other parties do likewise.

With regard to the situation in the Eastern Sea, or the South China Sea, where incidents still occur, thus causing concern to the countries of the region, Viet Nam

reaffirms the consistent position that disputes in the Eastern Sea should be settled by peaceful means, through bilateral and multilateral negotiations among parties directly concerned, on the basis of full compliance with international law, particularly the 1982 United Nations Convention on the Law of the Sea and the 1992 Association of South-East Asian Nations (ASEAN) Declaration on the South China Sea. While strengthening the efforts for a durable and fundamental solution to the disputes in these areas and facilitating the search for such a solution, all parties concerned should maintain the status quo, exercise self-restraint, refrain from any act that may further complicate the situation and take confidence-building measures to ensure peace and stability in the region. The ongoing efforts by ASEAN to work out a code of conduct for the Eastern Sea, in the spirit of the sixth ASEAN summit in Hanoi, represent a step in the right direction and stand as a constructive measure, contributing to confidence building towards the peaceful settlement of the existing issues in the region.

The meeting rose at 6.20 p.m.